

### **REMARKS/ARGUMENTS**

The Applicants have carefully considered this application in connection with the Examiner's Action and respectfully request reconsideration of this application in view of the foregoing amendment and the following remarks.

The Applicants originally submitted Claims 1-40 in the application. The Applicants previously canceled Claims 1-20 and 37-39. Herein the Applicants have amended Claims 21, 23-27, 37-39 and have canceled Claim 22. The Applicants have not added any claims. Accordingly, Claims 21, 23-27 and 37-40 are currently pending in the application.

#### **I. Rejection of Claims 21-23 under 35 U.S.C. §102**

The Examiner has rejected Claims 21-23 under 35 U.S.C. §102(b) as being anticipated by U.S. Patent No. 5,500,391 to Bevk, *et al.* As the Examiner is no doubt aware, anticipation requires that each and every element of the claimed invention be disclosed in a single prior art reference; the disclosed elements must either be disclosed expressly or inherently and must be arranged as in the rejected claims.

Bevk discloses a process for making a MOS device that includes a structure with a boron-doped, epitaxial, silicon layer 32 enclosed between upper and germanium-rich, epitaxial, boundary layers 34. Each of the boundary layers typically consists of at least two, but fewer than six, monolayers of substantially pure germanium. (Col. 3, lines 21-26). Although, as previously noted by the Examiner, the term "substantially pure" encompasses a level of impurity and the drawings show boron atoms migrating from layer 110 to the substrate 10, these boron atoms are incidental and

are contained within the outer reaches of the layer. Bevk does not disclose or describe a buried layer that is co-doped throughout with germanium and another p-type dopant. Thus, because Bevk does not disclose all the limitations of independent Claim 21, it does not anticipate the present invention and is not an anticipating reference as such. Because Claim 23 is dependent upon Claim 21, Bevk also cannot be an anticipating reference for Claim 23. Accordingly, the Applicants respectfully request the Examiner to withdraw the §102 rejection with respect to these claims.

## **II. Rejection of Claims 24-27 and 37-40 under 35 U.S.C. §103**

The Examiner has rejected Claims 24-27 under 35 U.S.C. §103(a) as being unpatentable over Bevk as applied to Claims 21-23 and further in view of additional commentary provided by the Examiner. The Examiner has rejected Claims 37-40 under 35 U.S.C. §103(a) as being unpatentable over Bevk in view of U.S. Patent No. 4,819,045 to Murakami.

With respect to the rejection of Claims 24-27, the Applicants respectfully call the Examiner's attention to the discussion above regarding Claims 21-23 regarding Bevk and note that Bevk does not disclose each and every element of the invention claimed in Claims 21-23. The commentary provided by the Examiner does not overcome the shortfall of Bevk. Inasmuch as Bevk provides an accidental co-doping of the outer fringes of a buried layer through the migration of Boron atoms, there is no basis for the buried layer to be doped throughout the layer with germanium and a p-type dopant.

With respect to the rejection of Claims 37-40 over Bevk in view of Murakami, the Applicants respectfully call the Examiner's attention to the discussion above regarding Claims 21-23 regarding Bevk and note that Bevk does not disclose each and every element of the invention claimed in Claims 21-23. Murakami does not overcome the shortfall of Bevk because it also does not teach or suggest a buried layer that is doped throughout with germanium and another p-type dopant.

Bevk, individually or in combination with Murakame, thus fails to teach or suggest the invention recited in independent Claims 21 and 37 and their dependent claims, when considered as a whole. Claims 21, 23-27, and 37-40 are therefore not obvious and the Applicants respectfully request the Examiner to withdraw the rejection.


#### IV. Conclusion

In view of the foregoing amendment and remarks, the Applicants now see all of the Claims currently pending in this application to be in condition for allowance and therefore earnestly solicit a Notice of Allowance for Claims 21, 23-27 and 37-40.

The Applicants request the Examiner to telephone the undersigned attorney of record at (972) 480-8800 if such would further or expedite the prosecution of the present application. The Commissioner is hereby authorized to charge any fees, credits or overpayments to Deposit Account 08-2395.

Respectfully submitted,

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